

**United States District Court**  
**For The Western District of North Carolina**

UNITED STATES OF AMERICA

V.

KEVIN ROGERS

True Name: Kevin Theodore Rogers

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:05mj217-01

**FILED**  
ASHEVILLE, N. C.

USM Number:

Jim Siemens  
Defendant's Attorney

APR 10 2006

U.S. DISTRICT COURT  
W. DIST. OF N. C.

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) ONE.  
☐ pleaded nolo contendere to count(s) which was accepted by the court.  
☐ was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

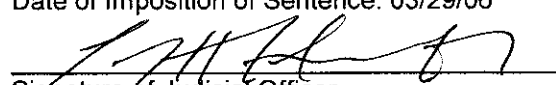
| <u>Title and Section</u>                  | <u>Nature of Offense</u>                              | <u>Date Offense<br/>Concluded</u> | <u>Counts</u> |
|---|---|-----------------------------------|---------------|
| 16 USC 3372(a)(2)(A);<br>3373(d)(2); 18:2 | Unlawful Transportation of Wildlife and Aid/Abet Same | 01/08/05                          | ONE           |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s).  
☐ Count(s) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 03/29/06

  
 Signature of Judicial Officer
Lacy H. Thornburg  
United States District JudgeDate: 4-10-06

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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWENTY (20) DAYS.

☐ The Court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☒ The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_ on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 pm on \_\_\_\_\_.

☒ as notified by the United States Marshal, AT HIS OWN EXPENSE.

☐ as notified by the Probation or Pretrial Services Office.

**IT IS FURTHER ORDERED that the weapon seized is forfeited to the United States and the defendant is banned from all federal lands except for use of main thoroughfares for a period of TWO (2) YEARS.**

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: KEVIN ROGERS  
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Judgment-Page 3 of 4**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

| ASSESSMENT | FINE     | RESTITUTION |
|------------|----------|-------------|
| \$25.00    | \$500.00 | \$43.75     |

**FINE**

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- ☒ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

**COURT APPOINTED COUNSEL FEES**

- ☐ The defendant shall pay court appointed counsel fees.
- ☐ The defendant shall pay \$ \_\_\_\_\_ towards court appointed fees.

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Judgment-Page 3a of 4**RESTITUTION PAYEES**

The defendant shall make restitution to the following payees in the amounts listed below:

| <u>NAME OF PAYEE</u>                                    | <u>AMOUNT OF RESTITUTION ORDERED</u> |
|---|--------------------------------------|
| Department of Interior, U. S. Fish and Wildlife Service | \$43.75                              |

- ☒ The defendant is jointly and severally liable with co-defendants for the total amount of restitution.
- ☐ Any payment not in full shall be divided proportionately among victims.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ Due immediately, balance due  
       ☐ Not later than \_\_\_\_\_, or  
       ☐ In accordance ☐ (C), ☐ (D) below; or
- B ☒ Payment to begin immediately (may be combined with ☐ (C), ☒ (D) below); or
- C ☐ Payment in equal \_\_\_\_\_ (E.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ To commence \_\_\_\_\_  
       (E.g. 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ To commence \_\_\_\_\_ (E.g.  
       30 or 60 days) after release from imprisonment to a term of supervision. In the event the entire amount of  
       criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation  
       Officer shall pursue collection of the amount due, and may request the court to establish or modify a payment  
       schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.  
☐ The defendant shall pay the following court costs:  
☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 309 U.S. Courthouse, 100 Otis Street, Asheville, NC, 28801, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.